



ARIZONA DEPARTMENT OF ADMINISTRATION

WATER QUALITY APPEALS BOARD

1110 WEST WASHINGTON ST • SUITE 155
PHOENIX, ARIZONA 85007

Telephone: (602) 542-1796

NOTICE AND AGENDA FOR A REGULAR MEETING OF THE ARIZONA WATER QUALITY APPEALS BOARD

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.02, notice is hereby given to the members of the Water Quality Appeals Board and general public that the Arizona Water Quality Appeals Board (WQAB) will hold a **regular meeting** open to the public commencing on **June 18, 2019 at 1:00 p.m.** at the Arizona Department of Administration Building, 100 N. 15th Avenue, First Floor, WIFA Board Room; Suite 103, Phoenix, Arizona.

The agenda for this meeting follows. Any amendments or additions to the agenda will be available at least 24 hours prior to the meeting. The Board officer presiding at the meeting reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Pursuant to A.R.S. § 38-431.03(A)(3), the Board may vote to go into Executive Session to obtain legal advice from its attorney on any matter listed on the agenda. Executive sessions are not open to the public.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the WQAB will not discriminate on the basis of disability in admission to and observation of its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Board's Office at (602) 542-1553. Requests should be made as early as possible to allow time to arrange the accommodation.

AGENDA

1. **Call to order and roll call.**
2. **Approval of minutes from the meeting of April 30th, 2019.**
3. **17- 001 San Carlos Apache Tribe, Arizona Mining Reform Coalition, Concerned Citizens and Retired Miners Coalition, and Save Tonto National Forest Notice of Appeal of Agency Decision Re: Resolution Copper Mining AZDES Permit No. AZ0020389.**

The Board may consider, discuss and take action on one or more of the following:

- a. **Final Administrative Decision, and the parties' Proposed Final Administrative Decisions filed May 21, 2019.**
- b. **ADEQ's Notice of New Source Analysis Pursuant to 40 CFR 122.29(b) As Ordered ("New Source Analysis"), and related pleadings.**
- c. **Coalition Appellants' Motion to Review and Reconsider the Board's November 19, 2018 Order ("Motion to Review"), and related pleadings.**
- d. **Coalition Appellants' Application for Costs and Fees, and related pleadings.**

The Board may discuss and take action to issue a final administrative decision in this matter. The Board will consider the Administrative Law Judge's Decision and the Board's previous Orders, and may accept, reject or modify those findings of fact and conclusions of law which the Board permitted ADEQ to disregard in conducting the New Source Analysis and/or take other action to address the issues presented. The Board may discuss and take action with respect to the New Source Analysis which may include accepting the Analysis, rejecting it, or remanding to ADEQ. The Board may discuss and take action with respect to the Motion to Review and Application for Costs, and may grant or deny the requests, or take other action to address the issues presented. The Board may also discuss and take other action on related procedural matters.

Each party will be allowed ten minutes to present oral arguments to the Board. The Board will not hear or receive new evidence at this proceeding.

4. **Five Year Rule Review Report and Consideration and Discussion of the WQAB's Rules.**

The Board may consider and discuss its procedural rules, Ariz. Administrative Code, R2-17-101, *et seq.*, and may take action to determine whether to recommend to GRRC any changes. The Board may discuss and direct staff in any other matters related to the Five Year Rule Review Report.

The Board may consider public comment concerning its rules.

5. **Adjourn.**

DATED AND POSTED this 11th day of June 2019 at 4:00p

ARIZONA WATER QUALITY APPEALS BOARD

By: 
Connie Castillo, Clerk of the Board

A copy of the foregoing was mailed / emailed
This 11th day of June 2019

ARIZONA WATER QUALITY APPEALS BOARD:

Fred E. Brinker, P.E.
Keith Bowers

Dena R. Benjamin, Assistant Attorney General
Arizona Attorney General's Office
2005 N Central Ave.,
Phoenix, Arizona 85004
Attorney for the Water Quality Appeals Board